

ZONING BOARD OF APPEALS MEETING MINUTES

APRIL 3, 2006

PRESENT: Mary Cardin, Mark Spurling, Kenneth Braga, William Harford and Alternates Robert Wambolt and Ronald Stomberg

ABSENT: Robert Palozej, Aaron Rossow and Alternate Joseph Snyder

STAFF

PRESENT: Lisa Houlihan, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:04 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200602—Juliano's Pools for a variance to the Ellington Zoning Regulations Section 4.8a, PC-Planned Commercial Zone Permitted Uses and Section 6.1, Nonconforming Uses of Land & Structures for a use variance to allow a 20' x 40' inground pool for residential use on property located at 4 Olde Farms Road, APN 063-058-0001.

TIME: 7:05 p.m.

SEATED: M. Cardin, M. Spurling, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin referenced a letter from Juliano's Pools, dated April 3, 2006, requesting that the application be continued to the May 1, 2006 meeting.

Richard LaPointe, 4 Olde Farms Road, questioned why he needed the variance. Lisa Houlihan, ZEO, explained and also stated that a zone change was approved by the Planning and Zoning Commission at their March meeting, which would make this application moot once the appeal period is over. It was noted that the zoning permit is ready for release upon the effective date of the zone change, which is April 15, 2006.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE MAY 1, 2006 MEETING FOR #V200602—JULIANO'S POOLS.

2. #V200605—Burton & Cynthia McNamar for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements for a front yard setback from 35 feet to 15 feet for a 10' x 16' addition on property located at 1 Hotel Road, APN 148-033-0000 in a LR Zone.

TIME: 7:15 p.m.

SEATED: M. Cardin, M. Spurling, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin noted that the applicant was not present to explain the request and noted that there was no certificate of mailings in the file.

MOVED (WAMBOLT), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE MAY 1, 2006 MEETING FOR #V200605—BURTON & CYNTHIA MCNAMAR.

3. #V200604—William Mandell for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements; Section 5.3g(b)—Additional Yard Requirements; Section 5.2, Footnote 5—Footnotes to Area & Yard Requirements; Section 7.7.5(a)—Location of Parking Facilities for a front yard setback from 100 feet to 79.27 feet and to allow the building at that location although the adjacent commercial building is farther from Windsorville Road (required to have new buildings no closer than adjacent); to allow a 2,244 square foot building (required minimum is 2,500 square feet); to allow lot coverage of 68.3% (required maximum is 60%); and to allow parking within 6 feet of the building (required separation is 20 feet) for construction of a gas station convenient store and associated improvements on property located at 194 Windsorville Road, APN 009-067-0000 in a C Zone.

TIME: 7:16 p.m.

SEATED: M. Cardin, M. Spurling, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin noted the certificate of mailings, the notice to the Town of Vernon, reviewed that there were no staff comments and noted that there has been six previous appeals from 1966 to 1999 in relation to the subject property.

Attorney Len Jacobs came forward to explain the requests. He stated that 194 Windsorville is a commercially zoned parcel with frontage on Windsorville Road and Skinner Road. The proposal is to demolish the existing convenience store and build a 2,244 square foot convenience store. He noted that the proposal is in keeping with the intent of the zoning regulations. Attorney Jacobs presented a plan showing the buildable area based on permitted setbacks and noted that such leaves a triangular area that is approximately 1,500 square feet, which does not leave a suitable lot configuration for redevelopment. He reviewed each variance and explained the hardships for each. Attorney Jacobs noted that they are eliminating more non-conformities than they are creating.

Chairman Cardin asked if the building could be made smaller in order to meet the 60% lot coverage requirement. Attorney Jacobs stated that it could, but noted that the minimum building

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square footage is 2,500 square feet and that they were trying to meet each requirement as best as they could.

Carol Slicer, 185 Windsorville Road, expressed concern that the proposal increases the existing building by three times its existing size. She also expressed concern for an increase to truck traffic/deliveries, refuse removal and the lack of a snow shelf area.

The board discussed the various requests. It was the consensus of the board that the building size should be reduced in order to meet the lot coverage requirement and increase the distance between parking and the building. The board requested that the applicant revise the plan for their review at the May meeting.

MOVED (WAMBOLT), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE MAY 1, 2006 MEETING FOR #V200604—WILLIAM MANDELL.

4. #V200603—Connecticut Parachutists, Inc. for variances to the Ellington Zoning Regulations, Section 7.3e1—Trailer Camps: Sanitary & Sewage Facilities and Section 7.4a2: Storage of Trailers to allow campers without sanitary or sewage facilities and to allow storage of 34' length trailers (20' length maximum permitted) as an accessory use to the parachuting operation on property located at 360 Somers Road, APN 105-002-0000 in an I Zone.

TIME: 7:45 p.m.

SEATED: M. Cardin, M. Spurling, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin noted the certificate of mailings and staff comments from the Fire Marshal and the North Central District Health Department.

Mark Krasinski, Vice President of Connecticut Parachutists, Inc., came forward to explain the requests. He stated that Connecticut Parachutists, Inc. has been at this site for 35 years. CPI is proposing seven sites for camper trailers. These trailers would be used by instructors on weekends only. He noted that he met with town staff who suggested he request variances from the trailer parks/camps section of the zoning regulations. The variance request is to not require sanitary systems for each camper. Also, they are requesting that the trailers be allowed to be stored through the winter. The variance request is to allow trailers longer than 20' to be stored on the lot.

Robert Cormier, Pam & John Ryder and Greg Kaufman of Bridge Street were present to voice their opposition to the proposal explaining existing and past noise issues they have had with the parachutists.

Chairman Cardin and Vice Chairman Braga stated that they did not see a legal hardship.

MOVED (WAMBOLT), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200603—CONNECTICUT PARACHUTISTS, INC.

MOVED (WAMBOLT), SECONDED (CARDIN) AND FAILED UNANIMOUSLY TO APPROVE #V200603—CONNECTICUT PARACHUTISTS, INC.

APPLICATION DENIED DUE TO APPLICANT'S FAILURE TO DEMONSTRATE A LEGAL HARDSHIP.

IV. UNFINISHED BUSINESS:

1. Discussion of Interpretation of When a Variance is Required

Lisa Houlihan reviewed that there are two different schools of thought on when variances are required. She requested that the board decide if they would like to continue requiring variances for any proposal that does not meet the zoning regulations or if they would only require them if they expand the non-conformity greater than the existing configuration.

BY CONSENSUS, THE BOARD DETERMINED THAT THEY WOULD CONTINUE TO REQUIRE THAT A VARIANCE WOULD BE REQUIRED FOR ANY PROPOSAL THAT DOES NOT MEET THE ZONING REGULATIONS.

V. NEW BUSINESS:

1. Review of Zoning Regulations for Plan of Conservation & Development Update

Reanna Goodreau stated that the Planning and Zoning Commission (PZC) is moving forward with the Plan of Conservation & Development (C&D Plan) updates. She noted that the PZC will be having a meeting to set the schedule for workshops and public hearings for the C&D Plan updates. Ms. Goodreau stated that the PZC is encouraging all land use commissions to have at least one representative at the workshops. The PZC will also have each commission meet with them once during the process to gather input directly from the commissions.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the March 6, 2006 Meeting Minutes

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 6, 2006 MEETING MINUTES.

2. Discussion regarding Connecticut Federation of Planning & Zoning Agencies membership dues

Reanna Goodreau explained that membership to the "Federation" includes a quarterly newsletter. They also sponsor the award ceremonies for ZBA & PZC members who have served for 12 years. The membership fee is \$90.

BY CONSENSUS, THE BOARD DECIDED NOT TO RENEW THEIR MEMBERSHIP WITH THE CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES.

3. Correspondence: **NONE**

VII. ADJOURNMENT:

**MOVED (BRAGA), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ADJOURN
THE MEETING AT 8:42 PM.**

Respectfully Submitted,

Reanna Goodreau
Recording Secretary